

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN DAVID KUEHNE, JR., :

Defendant/Petitioner, : Case No. 3:10cv379
Case No. 3:03cr063-1

vs. :

UNITED STATES OF AMERICA, : District Judge Thomas M. Rose
: Chief Magistrate Judge Sharon L. Ovington

Plaintiff/Respondent. :

DECISION AND ENTRY

The Court has reviewed the Report and Recommendations of Chief United States Magistrate Judge Sharon L. Ovington (Doc. #396), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on October 17, 2014 (Doc. #396) is **ADOPTED** in full;
2. Kuehne's Motion for Relief from Judgment (Doc. #395) is **DENIED**;
3. Kuehne is denied a certificate of appealability and leave to proceed *in forma pauperis* on appeal; and
4. The case remains terminated on the docket of this Court.

December 22, 2014

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge